

**DRAFT MINUTES OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM  
(PSPRS) POLICE DEPARTMENT LOCAL BOARD MEETING  
MUNICIPAL CENTER CONFERENCE ROOM 300  
50 E. CIVIC CENTER DR., GILBERT, ARIZONA**

**October 17, 2018**

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**MEMBERS PRESENT:** Patrick Banger, Sgt. William Balafas, Sgt. Daniel Brause, Ryan Ernsberger, Marci Norton

**MEMBERS ABSENT:** N/A

**BOARD SECRETARY:** Donna J. Pedrera

**GUEST/APPLICANTS:** Cynthia Kelley, Board Attorney  
Nicholas Alvidrez  
Cassidy Bacon, Attorney for Applicant  
Police Chief Michael Soelberg

**Call to Order**

Chairman Banger called the meeting to order at 5:04PM

**1. Roll Call**

Ms. Donna Pedrera called roll and a quorum was present.

**2. Recess Special Meeting and Convene in Executive Session**

Mr. Ernsberger moved to recess special meeting and convene in executive session. Ms. Norton seconded the motion. The motion passed 5-0.

**3. Adjourn Executive Session and Convene Special Meeting**

Mr. Ernsberger moved to recess executive session and convene special meeting. Sgt. Balafas seconded the motion. The motion passed 5-0.

**4. Accidental Disability Retirement Application for Officer Nicholas A. Alvidrez**

Consideration of the Application for Accidental Disability Retirement as submitted for Officer Nicholas A. Alvidrez. Cassidy Bacon, the attorney representing Officer Alvidrez, addressed the Board stating Officer Alvidrez does have limitations due to his condition and that his symptoms do continue to occur. Ms. Bacon also does not agree with the findings of the IME done by Dr. Finberg that Officer Alvidrez condition is not permanent and that Dr. Finberg does not have an appreciation of the physical job requirements of a Police Officer with the Town of Gilbert requires. Ms. Bacon continued by asking the Board to approve the Accidental Disability Retirement Application and if the Board was not willing to do so to send Office Alvidrez for another IME with an ENT doctor and also for the Board to send Officer Alvidrez for a functional capacity examination to identify exactly what Police Officer functions he is or is not able to perform. Ms. Bacon concluding asking if the Board had any question for Officer Alvidrez or the medical records. Cynthia Kelley, attorney for the Board, advised that the Board could not approve the application based on the way the IME currently is, and suggested that the Board contact Dr. Finberg directly and have a teleconference at the next Board meeting to get further clarification on

the items in question and make sure that Dr. Finberg does understand the reasonable range of duties for a Police Officer with the Town of Gilbert. Cynthia Kelley then asked if the Board had any questions for Officer Alvidrez and Ms. Bacon. Sgt. Brause asked who Dr. Schwartzberg was, as medical records for Officer Alvidrez were provided to Board. Ms. Bacon stated that Dr. Schwartzberg was Officer Alvidrez's treating Pulmonologist, and the workers' compensation doctor. Sgt. Balafas asked Police Chief Soelberg if there were any long term, permanent light duty positions within the Police force that can be assigned until an Officer reached the 20 year requirement for retirement. Chief Soelberg responded that there are light duty positions but that they are not permanent positions. Chairman Banger asked if there were any additional questions and if there was a motion from the Board. Sgt. Balafas stated that he did not feel comfortable making a decision on the disability based on Dr. Finberg's IME as he did not feel that Dr. Finberg had a full understanding of the duties of a Police Officer and how he answered the questions on the P5-LB. Mr. Ernsberger made a motion to table the decision on the Accidental Disability Retirement application of Officer Alvidrez for 30 days or until the next meeting in November so that the Board can have a conference call with Dr. Finberg while in Executive Session to obtain clarification on some of the outstanding issues. Cynthia Kelley stated that this was a good option. Sgt. Brause seconded the motion, the motion passed 4-1 with Ms. Norton voting no on the motion and all other members of the Board voting yes.

#### **5. Temporary Disability Retirement Application for Officer Nicholas A. Alvidrez**

Consideration of the Application for Temporary Disability Retirement as submitted for Officer Nicholas A. Alvidrez. Chairman Banger asked if there was any discussion or action. Officer Alvidrez's attorney, Cassidy Bacon advised the Board that based on the action on the prior motion Officer Alvidrez was withdrawing his Temporary Disability Retirement Application. No discussion, no action was taken.

#### **6. Approval of minutes**

Sgt. Brause moved to approve the minutes from the September 19, 2018 meeting. Ms. Norton seconded the motion; Chairman Banger abstained from the vote since he was not present. The motion passed 4-0.

#### **7. Future Meetings**

Next meeting scheduled for November 21, 2018 at 5:00PM. There was discussion regarding rescheduling since the meeting falls the day before Thanksgiving and the Board wanted to schedule the IME doctor for the next meeting. Staff will re-schedule and advise the Board of the new date based on the availability of the IME doctor to speak with the Board.

#### **8. Adjournment**

Mr. Ernsberger moved to adjourn the meeting. Ms. Norton seconded the motion. Motion passed 5-0. Meeting adjourned at 5:53 PM.

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Patrick Banger, Chairman

ATTEST:

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Donna J. Pedrera, Local Board Secretary